IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3944 OF 2005

M/s. Next Corporation & Ors ...Applicants

Versus

State of Maharashtra & Anr ...Respondents

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Mr. C.K. Pendse, Advocate for Applicants

Mr. Ashok Gupta Respondent No.2 present in person.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 5TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the respondent No.2 i.e. original complainant who is present in person.

2. The applicants i.e. original accused in the proceedings relating to Complaint No.2937/S/2003 which is pending before the learned Metropolitan Magistrate, 43rd Court, Esplanade, Mumbai, have preferred this application for quashing of the said complaint and the proceedings relating thereto. The said proceedings is under Section 138 of Negotiable Instruments Act.

3. The learned advocate for the applicants has stated that the matter has been amicably settled between the parties and the consent terms arrived at between the parties have been annexed at Exh. 'A' collectively to the present application. The amount in the said case was Rs.3,50,000/- and the complainant states that he has received the said amount of Rs.3,50,000/- involved in the said case. The receipt is also annexed to the petition. The complainant has further stated that the matter has been amicably settled between the parties and he does not wish to continue with the prosecution relating to the said case.

4. Looking to the fact that the matter has been amicably settled between the parties and the fact that the complainant does not wish to pursue his complaint, the complaint No.2937/S/2003 and the proceedings relating thereto are quashed.

5. Application is allowed in the above terms.

6. Office to issue an authenticated copy of this order to the parties.

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